

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: : CASE NO. 11-12431
CHAPTER 13
JEROME PHILLIPS
MARY BENNETT PHILLIPS :
DEBTORS : JUDGE BETH A. BUCHANAN
: TRUSTEE'S OBJECTION TO MORTGAGE
ARREARAGE CLAIM

Comes now the Chapter 13 Trustee, Margaret A. Burks, Esq. and respectfully objects to the arrearage claim filed by CITIMORTGAGE, INC in the amount of \$27,421.19. See LBR 3007-1.

Information regarding the objection is as follows:

1. Name and address of Creditor: CITIMORTGAGE, INC, P.O. BOX 688971, DES MOINES, IA 50368-8971
2. Creditor' Attorney: N/A
3. Date Claim Filed: 3/23/12
4. Clerk Claim Number: 22
5. Grounds for Objection: Arrearage claim was filed without the dates of the 18 monthly installment payments totaling \$27,410.40. The Trustee has included a form to be used for the arrearage breakdown.

WHEREFORE, Trustee requests that the claim of the creditor be disallowed until an amended arrearage claim is filed with the dates of the missed installment payments.

Respectfully submitted,

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.
Chapter 13 Trustee
Attorney No. OH 0030377

Francis J. DiCesare, Esq.
Staff Attorney
Attorney No. OH 0038798

Karolina F. Perr, Esq.
Staff Attorney
Attorney No. OH 0066193

600 Vine Street, Suite 2200
Cincinnati, OH 45202
513-621-4488

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fdicesare@cinn13.org
Cincinnati@cinn13.org Court filings

NOTICE

If the relief sought in this Objection is opposed, a written response to the Objection must be filed within thirty (30) days of the date of service as set forth in the certificate of service. The Court is authorized to grant the relief requested without further notice should a timely response not be filed.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection to Mortgage Arrearage Claim was served on the parties listed below by ordinary U.S. Mail or served electronically through the Court's ECF System at the e-mail address registered with the Court on this 29th day of March, 2012.

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.

ROBERT A. GOERING, ESQ.
Debtor's Counsel
220 WEST THIRD STREET
CINCINNATI, OH 45202

JEROME PHILLIPS
MARY BENNETT PHILLIPS
Debtors
1140 INDIAN MOUND DRIVE
MILFORD, OH 45150

CITIMORTGAGE, INC
Creditor
P.O. BOX 688971
DES MOINES, IA 50368-8971

CITIMORTGAGE, INC
P.O. BOX 6030
SIOUX FALLS, SD 57117-6030

United States Trustee
36 E. 7th Street, Suite 2030
Cincinnati, Ohio 45202

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: : CASE NO. 11-12431
: CHAPTER 13
JEROME PHILLIPS
MARY BENNETT PHILLIPS :
DEBTORS : JUDGE BETH A. BUCHANAN
: NOTICE OF OBJECTION OF CLAIM

Margaret A. Burks, Esq. Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to reduce, modify or eliminate your claim, then on or before **thirty (30) days from the date set forth in the certificate of service for the objection to claim**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

Bankruptcy Office
221 East 4th Street, Atrium II, Suite 800,
Cincinnati, Ohio 45202

OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by
1) the court's ECF System or by
2) regular U.S. Mail to

Margaret A. Burks, Esq.
Chapter 13 Trustee
600 Vine Street, Suite 2200
Cincinnati, Ohio 45202

ROBERT A. GOERING, ESQ.
Debtor's Counsel
220 WEST THIRD STREET
CINCINNATI, OH 45202

JEROME PHILLIPS
MARY BENNETT PHILLIPS
Debtors
1140 INDIAN MOUND DRIVE
MILFORD, OH 45150

US Trustee
36 East Seventh Street
Suite 2030
Cincinnati, Ohio 45202

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to claim and may enter an order reducing, modifying, or eliminating your claim without further notice or hearing.

Date: 3/29/12

/s/ Margaret A. Burks, Esq,
Margaret A. Burks, Esq.

B 10 (Attachment A) (12/11)

2012

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: _____ **Case number:** _____

Name of creditor: _____ **Last four digits of any number**
you

use to identify the debtor's account:

PART 1: Statement of Principal and Interest Due as of the Petition Date:

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1. **Principal due** (1) \$ _____

2. Interest due:	<i>Interest rate</i>	<i>From</i> <i>mm/dd/yyyy</i>	<i>To</i> <i>mm/dd/yyyy</i>	<i>Amount</i>
_____ %	____/____/____	____/____/____	\$ _____	
_____ %	____/____/____	____/____/____	\$ _____	
_____ %	____/____/____	____/____/____	+ \$ _____	
Total interest due as of the petition date				\$ _____

Copy total here ► (2) + \$ _____

3. **Total principal and interest due** (3) \$ _____

PART 2:

Itemize the fees, expenses, and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney's fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	4) \$ _____

5. **Advertisement costs** _____ (5) \$ _____

6. **Sheriff/auctioneer fees** _____ (6) \$ _____

7. **Title costs** _____ (7) \$ _____

8. **Recording fees** _____ (8) \$ _____

9. **Appraisal/broker's price opinion fees**

_____ (9) \$ _____

10. **Property inspection fees** _____ (10) \$ _____

11. **Tax advances (non-escrow)** _____ (11) \$ _____

12. **Insurance advances (non-escrow)** _____ (12) \$ _____

13. **Escrow shortage or deficiency** (Do not include amounts that are part of any installment

payment listed in Part 3.) _____ (13) \$ _____

14. **Property preservation expenses. Specify:** _____

_____ (14) \$ _____

15. **Other. Specify:** _____

_____ (15) \$ _____

16. **Other. Specify:** _____

_____ (16) \$ _____

17. **Other. Specify:** _____

_____ (17) + \$ _____

18. **Total prepetition fees, expenses, and charges. Add all of the amounts listed above.**(18) \$ _____

Part 3:

Does the installment payment amount include an escrow deposit?

☐ No

☐ Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in
a form consistent with applicable nonbankruptcy law.

1. Installment payments due

Date last payment received by creditor / /

Number of installment payments due (1)

2. Amount of installment payments due and dates of installments due

 installments @ \$

 installments @ \$

 installments @ + \$

**Total installment payments due as of
the petition date** \$ Copy total here ► (2) \$

3. Calculation of cure amount

Add total prepetition fees, expenses, and charges

Copy total from Part 2 here ► + \$

Subtract total of unapplied funds

(funds received but not credited to account) - \$

Subtract amounts for which debtor is entitled to a refund - \$

Total amount necessary to cure default as of the petition date (3) \$

Copy total onto Item 4
of Proof of Claim form